

SENATE CHAMBER
AUSTIN, TEXAS, Wednesday, April 26, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Bowers, Douglass, Mills, Parsons, Pridgen and Pyle.

Absent—excused—Senators Evans and Flanagan.

Reading of journal of yesterday.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Broughton: petition of J. Wadsworth for relief.
Read and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,
AUSTIN, April 26, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 372, entitled "An act to authorize certain persons therein named to erect a toll bridge across Harris creek, in Smith county," after careful consideration, instruct me to report the same back and recommend its passage, with the following amendments:

Amend by inserting the word "That" as the first word of section three; amend by striking out the word "police," in line one, section two, and insert in lieu thereof the word "county."

Respectfully,

JOHN G. BELL,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 26, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom

was referred Senate bill No. 376, entitled "An act to establish a ferry across the Sabine river, at or near Red Rock, county of Upshur," after careful consideration, instruct me to report the same back and recommend its passage, with the following amendment:

Amend by striking out, in section five, the words "and shall pay to said counties of Upshur and Smith an annual tax not to exceed fifty dollars to each of said counties."

Respectfully,

JOHN G. BELL,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was recommitted Senate bill No. 149, to be entitled "An act to incorporate the Sabine and Neches Bridge Company," have considered the same, and respectfully submit the accompanying substitute, and recommend its passage.

J. G. BELL,
Chairman.

Substitute Senate bill No. 149, a bill to be entitled "An act to incorporate the Sabine and Neches Bridge Company."

Reports read and laid over under the rules.

Reports of Committee on State Affairs:

COMMITTEE ROOM,
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 548, entitled "An act to incorporate the Hope Independent Fire Company No. 4, of Galveston, Texas," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred

House bill No. 336, entitled "An act to incorporate the Cotton Press Association," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 284, entitled "An act to incorporate the Austin and Homestead Building Association," after careful consideration, instruct me to report the same back, and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 57, entitled "An act to incorporate the Philosophonian Society of Trinity University," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,
Chairman,

COMMITTEE ROOM,
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 9, entitled "An act to incorporate the McKinney Academy Association," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 281, to be entitled "An act to incorporate the Waco Gas Light Company," after careful consideration, instruct me to report the same back and recommend its passage, with the accompanying amendments.

Respectfully,

S. W. FORD,
Chairman.

Amendments by Committee on State Affairs to Senate bill No. 281 :
amend section one, line nine, by striking out the word "perpetual;"
amend section three, lines one and two, by striking out the names of "George A. O'Brien, L. J. Hoffman and Shedrick Willis," and inserting the names of "John Fuller and Robert Bright."

COMMITTEE ROOM,
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred House joint resolution No. 17, "Authorizing the Governor to lease out the lands appropriated for the benefit of the Lunatic, Blind and Deaf and Dumb asylums," after careful consideration, instruct me to report the same back, and recommend it to the consideration of the Senate.

Respectfully,

S. W. FORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 298, entitled "An act to incorporate the Germania Club of Brenham," after careful consideration, instruct me to report the same back, and recommend its passage with the accompanying amendment.

Respectfully,

S. W. FORD,
Chairman.

Amendments by Committee on State Affairs to House bill No. 298: Amend by adding to section two the following, "upon their gymnastic exercises, or social entertainments for pleasure."

COMMITTEE ROOM,
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL.

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 367, entitled "An act to incorporate the Railroad, Real Estate, Building and Savings Association of Texas," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendments.

Respectfully,

S. W. FORD,
Chairman.

Amendments by Committee on State Affairs to Senate bill No. 267: Amend section three, line two, by inserting after the word "hundred" the word "thousand;" amend section four, line two, by striking out the words "two millions of" and inserting the words "six hundred thousand;" amend section five, line two, by striking out the word "ten" and inserting the word "twenty-five."

Reports read and laid over under the rules.

COMMITTEE ROOM,
AUSTIN, April 25, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate joint resolution No. 33, "Authorizing and requiring the Governor to call a special election to fill certain vacancies," after careful consideration, instruct me to report the same back and recommend its adoption.

Respectfully,

S. W. FORD,
Chairman.

Report read.

On motion of Senator Ford, the rules were suspended to consider the report and resolution.

Senate joint resolution No. 33 read second time, ordered engrossed and passed to a third reading.

On motion of Senator Gaines, the rules were further suspended and Senate joint resolution No. 33 read third time and passed.

Report of Committee on Claims and Accounts:

COMMITTEE ROOM,
AUSTIN, April 26, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Claims and Accounts, to whom was referred petition of J. P. Jamison, deputy sheriff of Red River county for relief, have had the same under consideration, and I am instructed to report the same back, with the accompanying bill, and recommend that the bill do pass.

Respectfully,

HENRY RAWSON,
Chairman.

Report and bill read first time, and on motion of Senator Baker, the rules were suspended to consider the report and bill, Senate bill No. 382, "An act to be entitled 'an act for the relief of J. P. Jamison, deputy sheriff of Red River county.'" Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Pyle the rules were further suspended and Senate bill No. 382 read third time and passed, by the following vote :

Yeas—Mr. President, Baker, Bell, Bowers, Cole, Dohoney, Douglass, Ford, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pyle, Rawson, Ruby, Saylor, Shannon, Tensdick—22.

Nays—Pickett—1.

Report of Committee on Engrossed Bills :

COMMITTEE ROOM,
AUSTIN, April 26, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills, having examined and compared Senate bills No. 139, "An act to incorporate the Lavaca and Navidad rivers Navigation and Dredging Company;" No. 171, "An act to incorporate Victoria Fire Company No. 1;" No. 342, "An act to incorporate the Texas Mercantile Association;" and substitute Senate bill No. 290, "An act to amend an act approved August 13, 1870, and entitled 'an act supplementary to an act to incorporate the Victoria and Columbia Railroad Company,' approved November 13, 1866," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received.

Under direction of the President, the Secretary carried to the House for concurrence Senate bill No. 342.

On motion of Senator Pyle, the rules were suspended to take from file House bill No. 179, "An act to authorize C. R. Goodwin to erect a toll bridge over Chambers's creek, where the road leading from Waxahachie to Dresden cross the same. Read second time and passed to a third reading.

10:30 o'CLOCK A. M.

The hour for consideration of special order having arrived. House bill No. 357, "An act making appropriation for the support of the State government for deficiencies for the fiscal year ending August 31, 1871, and for the fiscal year beginning September 1, 1871, and ending August 31, 1872."

On motion of Senator Pyle, it was postponed until the matter pending be disposed of.

On motion of Senator Pyle, the rules were further suspended and House bill No. 179 read third time and passed.

Under directions of the President, the Secretary carried to the House, for concurrence, the following Senate bills:

Senate bill No. 221, "An act to enforce compliance by public carriers with the provisions of section twenty-one, article one, of the Constitution.

Senate bill No. 233, "An act to incorporate the Stock Traders' Bank."

Also, informing the House the Senate had passed the following House bills: House bill No. 260, "An act amendatory of an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870;'" House bill No. 215, "An act to provide for the public debt of the State of Texas," with amendments.

Also, for signature the following enrolled Senate bills:

Senate bill No. 31, "An act to incorporate the Douglassville College."

Senate bill No. 214, "An act to incorporate the Jamestown High School."

Senate bill No. 272, "An act to organize and incorporate the Sherman and Red River Railroad Company."

Senate bill No. 270, "An act making an appropriation for the purpose of having certain general indexes in the General Land Office copied."

Enrolled bills signed by the Speaker of the House, returned and signed by the President of the Senate.

MESSAGES.

Message from the House by Chief Clerk, informing the Senate

the House had passed Senate bill No. 170, "An act in reference to the location, survey and return of genuine land certificates."

Also, transmitting for concurrence House concurrent resolution No. 8, "Concurrent resolution authorizing the Speaker of the House to appoint a committee of five to act with a like committee from the Senate (the Senate concurring) to take into consideration the propriety of redistricting the State into Congressional districts so as to give the State of Texas a full representation in the next Congress according to the late census," and informing the Senate the House had appointed as committee on part of the House, Messrs. Robertson, Butler, Zoeller, Robinson and Booty.

House bill No. 525, "An act to incorporate the Union Coal, Iron and Copper Mining and Manufacturing Company."

House bill No. 604, "An act to incorporate the Young Men's Real Estate and Building Association of the city of Tyler."

Also, returning with amendments Senate bill No. 71, "An act to incorporate the Marion County Agricultural, Mechanical and Blood Stock Association."

Also, informing the Senate the House has agreed to Senate amendments to House bill 435, entitled "An act to incorporate the city of Huntsville, in Walker county, Texas."

Also, transmitting for signature the following enrolled House bills: No. 13, "An act to incorporate the Gymnastic Association of Yorktown;" No. 379, "An act to incorporate the Waco Insurance Company;" No. 518, "An act to incorporate the town of Ledbetter, in Fayette county;" No. 263, "An act to organize and incorporate the Galveston, Jefferson and St. Louis Railroad Company;" No. 135, "An act to incorporate the town of Lindin, Davis county."

Enrolled bills signed by the President and returned to the House. Special order, House bill No. 357, postponed.

Senator Mills moved that special order be postponed until after the completion of the morning call.

Yeas and nays called. No quorum present.

Senator Bell moved a call of the Senate. Call sustained.

Absent—Senators Broughton, Douglass, Fountain, Parsons, Pickett, Pridgen and Pyle.

Absent—excused—Senators Evans and Flanagan.

Absent Senators appeared and answered to their names. Quorum present

On motion of Senator Gaines, the call was suspended.

The question recurring upon the motion to postpone the special order, House bill No. 357, motion was carried by the following vote:

Yeas—Bowers, Broughton, Cole, Dohoney, Douglass, Gaines, Hertzberg, Latimer, Mills, Pridgen, Pyle, Saylor, Shannon, Tensick—14.

Nays—Mr. President, Baker, Bell, Ford, Hall, Hillebrand, Pettit, Rawson, Ruby—9.

By leave, Senator Parsons submitted the following report of Committee on Internal Improvements :

COMMITTEE ROOM,
AUSTIN, April 26, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your committee to whom was referred Senate bill No. 335, entitled "An act supplementary to 'an act to incorporate the Huntsville Branch Railway Company,' approved April 4, 1871," having had the same under consideration, beg leave to report that the same do not pass.

W. H. PARSONS,
Chairman.

Report read and laid over under the rules.

By leave, Senator Mills submitted the following minority report of Committee on Internal Improvements on Senate bill No. 335 :

COMMITTEE ROOM,
April 24, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : The undersigned members of your committee on Internal Improvements, respectfully dissent from the report of the majority of the committee on Senate bill No. 335, providing State aid for the construction of the Huntsville Branch Railway. The undersigned are of opinion said bill ought to pass, and that the interests of the State demand its favorable consideration. The State penitentiary is located at Huntsville; the buildings and improvements are valuable, and a road to connect Huntsville with the main trunk of the Houston and Great Northern road would greatly enhance the value of the public property, as well as open up a market for the manufactured articles of the penitentiary, thereby giving them not only a market in this State, but the advantage of all the seaport towns along the coast, and greatly reduce the costs of transportation.

The aid asked by the bill is one hundred and fifty thousand dollars in the bonds of the State, payable in twenty years; the length of the road will be about ten miles, and its cost of construction and for equipage, will be fully we think, two hundred and fifty thousand

dollars. The road being a local one, will not pay but little, if any thing; and we cannot see any chance for speculation on the part of the citizens or company. The citizens cannot afford to build the road without State aid; but with the assistance asked for by this bill, the company will be able to build the road within the time specified in the charter. In the long run, we think the State will be greatly benefitted by the passage of this bill; and that good policy and self interest demand its passage.

In further support of this measure, we append hereto, a statement showing the cost of transportation incurred by the penitentiary for a number of years past, a large amount of which would be saved hereafter by the building of this road, and in addition, there would be a far greater expedition in transportation.

ESTIMATED COST OF TEXAS PENITENTIARY TO THE STATE.

1868—E. W. Sinks drew from Treasury.....	\$12,830 00
Other penitentiary bills paid out of treasury,	2,016 00
Salaries of penitentiary officers paid out of	
treasury direct.....	5,800 00
1869—T. A. Monroe drew from treasury.....	85,451 00
T. C. Bell drew from treasury.....	26,759 51
Other penitentiary bills paid direct from trea-	
sury during Bell's agency.....	3,193 52
Col. N. A. M. Dudley drew.....	22,476 44
November, 1869, to August, 1870.—Paid transporta-	
tion of prisoners, etc. from Treasury during Dudley's	
agency.....	1,678 55
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Above, shown by Comptroller's books for 2½ years..	\$160,205 02
Add to above value of cotton, wool and fabrics on hand	
in 1865 and 1866.....	\$100,000 00
Now add debts contracted on penitentiary account since	
the war, and now unpaid, including interest on	
same, say.....	55,000 00
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Say, total.....	\$315,205 02

A clear loss to the State in about four and a half years, or from last of 1865 to middle of August, 1870; or near \$70,000 per annum.

We would also refer to the official report of Colonel Dudley, former Superintendent of the Penitentiary, which recommends the building of a road to Huntsville with a view to the increased profit of the penitentiary.

We are informed that the present officers of the institution have also recommended State aid towards building a branch road.

We, therefore, respectfully recommend that the bill be passed.

Very respectfully,

J. S. MILLS,

THOMAS H. BAKER.

Report read and laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Hertzberg: a bill (Senate bill No. 383) to be entitled "An act authorizing the Commissioner of the General Land Office to employ additional extra draftsmen and providing for the payment thereof." Read first time and referred to the Committee on Land Office.

Also, a bill (Senate bill No. 384) to be entitled "An act authorizing the Commissioner of the General Land Office to appoint additional draftsmen for his department and fixing the salaries and making an appropriation therefor." Read first time and referred to Committee on Land Office.

By Senator Bell: a bill (Senate bill No. 385) to be entitled "An act for the relief of Louis Constant." Read first time and referred to Committee on Private Land Claims.

UNFINISHED BUSINESS.

House bill No. 4, "An act to encourage stock raising and for the protection of stock raising."

On motion of Senator Bowers, the consideration of House bill No. 4 was postponed until after the special order, House bill No. 357, should be disposed of.

Senator Parsons moved a reconsideration of the vote postponing the consideration of special order, House bill No. 357, until after the completion of the morning call. Carried.

Senator Parsons moved a call of the Senate. Call sustained.

Absent—Senator Fountain.

Absent—excused—Senators Evans and Flanagan.

On motion of Senator Ruby, the call was suspended.

Consideration of special order, House bill No. 357, resumed.

Read first time.

On motion of Senator Bowers, the rules were suspended and bill read second time.

Senator Saylor moved that the bill be referred to the Committee on Finance with instructions to report to-morrow. Carried.

On motion of Senator Saylor, Senator Mills was added to the Finance Committee during the absence of Senator Evans.

On motion of Senator Ruby, House bill No. 357 was made the special order for to-morrow at 10:30 o'clock A. M.

On motion of Senator Dohoney, the rules were suspended to take from file Senate bill No. 9 "An act authorizing the county courts to sell the school lands situated in their respective counties," with House amendments.

[Senator Ruby in the chair.]

On motion of Senator Dohoney, the following House amendments were concurred in :

House amendments to Senate bill No. 9: Strike out of section three the words "for cash or," in line two; also, strike out the words "to be made upon a credit of not less than five nor more than ten years, with interest payable annually, at the rate of eight per cent. per annum; *provided*," in lines eleven, twelve, thirteen, fourteen and fifteen, and inserting in lieu thereof the words "shall be made upon a credit of five years, and the purchaser thereof shall execute his promissory note, as hereinafter provided, for the full amount of said sale, which shall bear interest at the rate of eight per centum per annum, and the interest thereon shall be paid annually; *provided*, that the purchaser may, at any time before the expiration of the five years, have the privilege of paying up the principal and interest of said note, in which case he shall be entitled to his deed for the same; *and provided further*."

12 O'CLOCK M.

The hour for special order having arrived, Senate bill No. 333, "An act to incorporate the Mississippi and Rio Grande Canal Company,"

On motion of Senator Parsons, the consideration of special order was postponed until the matter pending be disposed of.

Consideration of special order, Senate bill No. 9, resumed.

The Senate concurred in the following House amendments :

Amend section one by adding the following proviso: "*provided*, the said auctioneer shall not be paid more than ten dollars per day during the sales of such lands."

Amend section two by striking out of lines two and three the following: "or so much thereof as it may be deemed advisable to sell."

Add to amendment No. 4: "*provided*, that no higher price shall be paid to any newspaper than is established by law for printing official advertisements."

Amend section four by striking out of line three the words "one hundred and sixty acres" and inserting in lieu thereof the words "eighty acres."

Amend section three by adding the following: "*and provided further*, that in the sales of school lands as provided for in this act, the county courts shall not sell said lands in excess of one-fourth of the entire amount of school lands situated in their respective counties or within their jurisdiction, within twelve (12) months after the passage of this act, and shall not sell more than one-third of the said lands remaining after the first sale, within twenty-four months after the passage of this act, and shall not sell more than one-half of the said lands remaining after the second sale, within thirty-six (36) months after the passage of this act, and the entire amount of the said lands remaining after the third sale, shall not be sold within less than forty-eight (48) months after the passage of this act." Strike out of lines ten and eleven, section three, the words "one or more newspapers of general circulation," and insert in lieu thereof the following: "all the newspapers published in the county wherein said land is situated, and if there be no newspaper published in such county, then the sale shall be advertised in the official newspaper of the district in which said land is situated."

The Senate refused to concur in the following House amendments: Amend section one by inserting after the word "counties," in line seven, the following: "to persons only who intend to and shall become actual settlers thereon within three years from the date of sale."

Amend section one by adding the following: *provided*, that the county court shall have power to designate such tracts of land situated in their respective counties as shall exclusively be sold to actual settlers, and may designate such lands as, in the opinion of the court, are not proper tracts for actual settlement, to be sold unconditionally."

On motion of Senator Ruby, Senator Fountain was excused for the day on account of sickness.

Postponed special order, Senate bill No. 333, "An act to incorporate the Mississippi and Rio Grande Canal Company."

[Senator Dohoney in the chair.]

Senate bill No. 333 read second time.

Senator Ruby moved that the further consideration of the bill be postponed and made special order for Monday next at 12 M. to be considered in connection with a bill of a similar character (Senate bill No. 350) reported by the Committee on Internal Improvements. Carried.

By leave, Senator Baker introduced a bill (Senate bill No. 386) to be entitled "An act to authorize judges of the district and criminal courts in the State of Texas to change the venue in certain cases." Read first time and referred to Committee on Judiciary.

By leave, Senator Mills introduced a resolution (Senate joint resolution No. 34) "Authorizing and requiring the Governor to order the purchase, transportation, and putting up, of a substantial iron fence around the Capitol square, and making appropriation therefor." Read first time and referred to the Committee on Public Buildings.

The Chair appointed as Committee of Free Conference on House bill No. 14, "An act to incorporate the Casino Society of Victoria," to confer with a like committee on the part of the House, Senators Tendick and Bell.

Senator Ruby submitted the following report of Committee on Engrossed Bills :

COMMITTEE ROOM,
AUSTIN, April 26, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills, having examined and compared Senate bill No. 382, "An act for the relief of J. P. Jamison, deputy sheriff of Red River county," and Senate joint resolution No. 33, "authorizing and requiring the Governor to call a special election to fill certain vacancies," find the same to be correctly engrossed.

G. T. RUBY.
E. L. DOHONEY.
P. W. HALL.

Report read and received.

On motion of Senator Saylor, the rules were suspended to take from file House bill No. 37, "An act to amend an act entitled 'an act to establish a State police and provide for the regulation of the same,' approved July 1, 1870."

On motion of Senator Saylor, the Senate receded from the following amendments: Amend section four, line three, by striking out the word "appoint" and inserting in lieu thereof the word "authorize:" amend section four, line seven, by striking out the word "appointed" and inserting in lieu thereof the word "authorized."

On motion of Senator Mills, the Senate, at 12.40 P. M., adjourned to 10 A. M. to-morrow.
